

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

ONE WISCONSIN INSTITUTE, INC.,
et al.,

Plaintiffs,

v.

MARK L. THOMSEN, *et al.*,

Defendants; and

THE WISCONSIN LEGISLATURE,

Proposed Intervenor-
Defendant.

Case No. 3:15-cv-00324-JDP

**THE WISCONSIN LEGISLATURE’S PROPOSED ANSWER TO
PLAINTIFFS’ SECOND AMENDED COMPLAINT**

Proposed Intervenor-Defendant the Wisconsin Legislature (“Legislature”) submits this Answer to Plaintiffs’ Second Amended Complaint filed by One Wisconsin Institute, Inc., Citizen Action of Wisconsin Education Fund, Inc., Renee M. Gagner, Anita Johnson, Cody R. Nelson, Jennifer S. Tasse, Scott T. Trindl, Michael R. Wilder, Johnny M. Randle, David Walker, David Aponte, and Cassandra M. Silas (collectively, “OWI Plaintiffs”),* as follows:

Response to unnumbered paragraphs on pages 1 through 3 and footnote 1 of the Second Amended Complaint: The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

* The OWI Plaintiffs’ First Amended Complaint was filed over 8 years ago, and some individual plaintiffs’ claims have been dropped over the course of this litigation.

JURISDICTION AND VENUE

1. Denied. This paragraph contains no factual allegations and instead contains only legal conclusions to which no responsive pleading is required. To the extent allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

2. Denied. This paragraph contains no factual allegations and instead contains only legal conclusions to which no responsive pleading is required. To the extent allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph

3. Denied. This paragraph contains no factual allegations and instead contains only legal conclusions to which no responsive pleading is required. To the extent allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

PARTIES

4. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

5. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

6. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

7. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

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12. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

13. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

14. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

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16. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

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18. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

19. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

20. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

21. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

22. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

23. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

24. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

25. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

FACTUAL ALLEGATIONS

Wisconsin's History and the Ongoing Effects of Discrimination

37. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

38. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

39. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

40. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

41. Denied in part. The Legislature rejects *OWI* Plaintiffs' characterization that Wisconsin election laws permit "early voting." To the extent that the allegations in this paragraph regarding "early voting" misstate the law, the Legislature denies the allegations. As to the remaining statements, the Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

42. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

43. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

44. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

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46. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

47. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

48. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

49. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

50. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

51. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Recent Political History

The 2008 Election

52. Admitted in part. The Legislature admits that in 2008 presidential election, Barack Obama defeated Senator John McCain in Wisconsin by a margin of approximately 14% and that two prior elections in Wisconsin were decided by less

than half of a percentage point. The Legislature lacks knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph

53. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

54. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

55. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

56. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

57. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

58. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

The 2010 Election and Subsequent Legislation

59. Admitted.

60. Denied. This paragraph references legislative proposals that speaks for itself and any characterization thereof is denied.

61. Denied. This paragraph references a legislative proposal that speaks for itself and any characterization thereof is denied.

62. Denied. This paragraph references a legislative proposal that speaks for itself and any characterization thereof is denied.

63. Denied. This paragraph references a legislative proposal that speaks for itself and any characterization thereof is denied.

64. Admitted in part. The Legislature admits that in 2012 the Wisconsin Government Accountability Board (“GAB”) directed election officials to accept electronic versions of proof of residence documents required under Wis. Stat. § 6.34(3)(a). The Legislature lacks knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph.

65. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

66. Admitted in part. The Legislature admits that Barack Obama was re-elected in 2012 and won Wisconsin. The Legislature lacks knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph

67. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

68. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

69. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

70. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

71. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

72. Denied. This paragraph references legislative proposals that speaks for themselves and any characterization thereof is denied.

73. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Challenged Provisions

Limitations on Early Voting Provisions

74. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied.

75. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied.

76. Denied. This paragraph references a provision of Wisconsin law and GAB report that speak for themselves and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

77. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. . The Legislature denies the remaining allegations in this paragraph.

78. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

79. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

80. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

81. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

82. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

83. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

84. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

85. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

86. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

87. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

Reductions in the Early Voting Period

88. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

89. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

90. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

91. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

92. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

93. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

94. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

95. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

96. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

97. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

98. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Voter-Registration Restrictions

99. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Elimination of Corroboration and Expanded Proof-of-Residence Requirement

100. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

101. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

102. Denied. This paragraph references testimony provided by Kevin Kennedy of the GAB before the Wisconsin Senate Committee on Transportation and Ethics which speaks for itself and any characterization thereof is denied. The Legislature lacks knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph.

103. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

104. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

105. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

106. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

107. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

108. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

109. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

110. Admitted in part. The Legislature admits that Defendant made the statement in the first sentence of this paragraph. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

111. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

112. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

113. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

114. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Registration Restrictions Targeting Young Wisconsinites

115. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

116. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

117. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

118. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

119. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

120. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

Overtuning Requirement that Landlords Distribute Voter-Registration
Forms

121. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

122. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

123. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

124. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

Elimination of Statewide Special Registration Deputies

125. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

126. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

127. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

128. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Increased Residency Requirements

129. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

130. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

131. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

132. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

133. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

134. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Invasive Poll Monitoring

135. Denied. The Legislature denies that prior to 2013 Wisconsin Act 177, election observers were *required* per GAB policy to maintain a six-foot distance from voting activity, rather the policy required election observers to maintain a six-foot distance only if physically feasible. This paragraph references a provision of

Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

136. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

137. Denied. This paragraph references a GAB report that speak for themselves and any characterization thereof is denied.

138. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

139. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

140. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

141. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Changes to Straight-Ticket Voting

142. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

143. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

144. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

145. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

146. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Changes to Absentee Voting

147. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

148. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

149. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

Prohibition on Returning Absentee Ballots to Correct Certain Mistakes

150. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

151. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

152. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

The Voter ID Law

153. Denied. The Legislature denies that ID's from Wisconsin's two-year technical colleges cannot be used for voting as 2018 Wisconsin Act 369 explicitly make these ID's acceptable. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

154. Denied. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

155. Denied. The trial court's decision in *Frank v. Walker*, 17 F. Supp. 3d 837, 854 (E.D. Wis. 2014), *rev'd* 768 F. 3d 744 (7th Cir. 2014), speaks for itself and any characterization thereof is denied.

156. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

157. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

158. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

159. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

160. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

161. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

162. Denied. The Legislature denies that ID's from Wisconsin's two-year technical colleges cannot be used for voting as 2018 Wisconsin Act 369 explicitly make these ID's acceptable. This paragraph references a provision of Wisconsin law that speaks for itself and any characterization thereof is denied. The Legislature denies the remaining allegations in this paragraph.

163. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

164. Denied. The Wisconsin Supreme Court's decision in *Milwaukee Branch of the NAACP v. Walker*, 2014 WI 98, 357 Wis. 2d 469, 851 N.W.2d 262 (2014), speaks for itself and any characterization thereof is denied.

165. Denied. The Wisconsin Supreme Court's decision in *Milwaukee Branch of the NAACP v. Walker*, 2014 WI 98, 357 Wis. 2d 469, 851 N.W.2d 262 (2014), speaks for itself and any characterization thereof is denied.

166. Denied. The Seventh Circuit's decision in *Frank v. Walker*, 768 F. 3d 744 (7th Cir. 2014), speaks for itself and any characterization thereof is denied.

167. Denied.

168. Denied.

169. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

170. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

171. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

172. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

173. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

174. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

175. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

176. Denied. This paragraph references a legislative proposal that speaks for itself and any characterization thereof is denied.

177. The Legislature lacks knowledge or information sufficient to form a belief as to the allegations in this paragraph.

CAUSES OF ACTION

COUNT 1

(Violations of Section 2 of the Voting Rights Act)

178. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

179. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

180. Denied.

181. Denied in part; admitted in part. The Legislature admits that in 2014 the Seventh Circuit held that Wisconsin's voter ID law does not violate Section 2 of the Voting Rights Act and cannot be distinguished from the Indiana voter ID law upheld in *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008). The Seventh Circuit's decision in *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014), speaks for itself and any characterization thereof is denied.

182. Denied.

183. Denied.

184. Denied.

185. Denied.

COUNT II

(Undue Burdens on the Right to Vote in Violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment)

186. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

187. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

188. Denied.

189. Denied.

190. Denied in part; admitted in part. The Legislature admits that in 2014 the Seventh Circuit held that Wisconsin's voter ID law does not violate Section 2 of the Voting Rights Act and cannot be distinguished from the Indiana voter ID law upheld in *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008). The Seventh Circuit's decision in *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014), speaks for itself and any characterization thereof is denied.

COUNT III

(Disparate Treatment of Voters Without a Rational Basis in Violation of the Equal Protection Clause of the Fourteenth Amendment)

191. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

192. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

193. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

194. Denied.

195. Denied. The Legislature denies that ID's from Wisconsin's two-year technical colleges cannot be used for voting as 2018 Wisconsin Act 369 explicitly make these ID's acceptable.

196. Denied.

COUNT IV

(Partisan Fencing in Violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment)

197. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

198. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

199. Denied.

COUNT V

(Abridgement or Denial of the Right to Vote on the Basis of Race in Violation of the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment)

200. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

201. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

202. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To

the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

203. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

204. Denied.

205. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

206. Denied.

COUNT VI

(Abridgement or Denial of the Right to Vote on the Basis of Age in Violation of the Twenty-Sixth Amendment)

207. The Legislature reasserts and incorporates by reference its answers to all prior paragraphs of this Answer in the paragraphs below as though fully set forth herein.

208. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

209. Denied. The Legislature denies that this paragraph contains any factual allegations and includes only legal conclusions to which no response is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, the Legislature denies the allegations in this paragraph.

210. Denied.

Dated this 21st day of September, 2020.

Respectfully submitted,

/s/ Scott A. Keller

Scott A. Keller

Counsel of Record

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